

Special Council Meeting

Minutes for Monday 27 August 2012



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Chairman opened the meeting at 6.30pm, welcoming Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Donald McKechnie	(Shire President)(Chairman)	North Ward
Margaret Thomas		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

Members of Staff

James Trail		Chief Executive Officer
Clayton Higham	Director Development & Infrastructure Services	
Darrell Forrest		Manager Governance
Andrew Fowler-Tutt	Manager Development Services	
Warwick Carter	Manager Economic Property & Procurement Services	
Michelle Clark	Executive Assistant to the CEO	
Meri Comber		Governance Officer

Members of the Public 2

Members of the Press Nil

2.2 Apologies

Councillors

Sue Bilich		North Ward
Martyn Cresswell		North West Ward

Members of Staff

Rhonda Hardy	Director Corporate & Community Services	
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2.3 Leave of Absence Previously Approved Nil

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

4.1 6.4 CONFIDENTIAL REPORT Development and Disposal Proposal – 88(Lot 106) Hale Road, Forrestfield

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

5.0 DISCLOSURE OF INTERESTS

5.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

5.1.1 Nil.

5.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

5.2.1 Nil.

6.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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6.1 Forrestfield/High Wycombe Industrial Area Design Guidelines

Previous Items	OCM/10.4.4- 2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure
File Reference	PG-STU-014
Applicant	N/A
Owner	Various owners
Attachment 1	Locality Plan
Attachment 2	Design Guidelines Area
Attachment 3	Design guidelines draft document
Attachment 4	Submission Table

PURPOSE

1. To consider adopting the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area. Refer (Attachment 1) for Locality Plan.

BACKGROUND

2. Land bounded by Roe Highway, Berkshire Road, Maida Vale Road, Sultana Road West, Milner Road and Dundas Road has been identified as a future industrial development area, due to its location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and the key freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway. Refer (Attachment 1), Stages 1, 2 and 3 of the Forrestfield/High Wycombe Industrial Area.
3. A portion of the land bounded by Milner Road, Sultana Road West and Dundas Road is already zoned Light Industry.
4. Both areas are subject to the proposed Draft Design Guidelines. Refer (Attachment 2) Design Guidelines Area.
5. Council, at the Ordinary Council Meeting on 19 December 2011, endorsed the Draft Design Guidelines for the purpose of public consultation.

DETAILS

6. The objective of the Draft Design Guidelines is to allow the Shire of Kalamunda to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of businesses eager to locate within the area, offering ease of access to both customers and suppliers.
7. The Draft Design Guidelines will provide clear and readily understandable criteria aimed at ensuring a consistently high standard of development is achieved. New development should result in a pleasant working environment, attractive streetscapes and contribute to the protection of value in business investment within the area.

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8. A separate report, proposing to amend the zoning table of the Local Planning Scheme No.3 in order to specify appropriate land uses in the Industrial Development zone has been prepared and will be submitted for Council's consideration.

STATUTORY AND LEGAL IMPLICATIONS

9. Clause 6.4 of Local Planning Scheme No.3 specifies the process for adoption of Design Guidelines for development areas as identified under the Clause 2.2 of the Scheme.
10. Clause 2.2 of the Scheme outlines provisions for adoption of Local Planning Policies.
11. Where the Design Guidelines provisions are inconsistent with the Scheme, if adopted by the Council, they will become the subject of a separate Scheme amendment.

POLICY IMPLICATIONS

12. Nil.

PUBLIC CONSULTATION/COMMUNICATION

13. In accordance with Clause 2.4 of the Scheme, the Draft Design Guidelines were advertised by notice in the local paper for two consecutive weeks and copies of the document were provided for inspection in the Shire offices and local libraries. Public consultation started on 19 January 2012 and concluded on 16 February 2012.
14. Seven submissions were received, commenting on the various issues addressed in the document. Refer (Attachment 3) - Submission Table.
15. Main issues raised by the submitters were:
- Landscaping requirements are too great- they should be reduced.
 - There should be general industry over at least part of the area.
 - Minimum lot sizes should be 500sqm to 1000sqm, that would encourage small business owners and generate more employment in the Shire.
 - The Guidelines will not be effective unless they are made as a policy.
 - New businesses that have sprung up in the area should be bound by the Guidelines, retrospectively.
 - Community consultation should be held regarding further planning.
 - The plan missed the opportunity to interconnect the habitat.
 - The Guidelines should include cycle ways along the roads.
 - The development should be put on hold until the infrastructure is in place.
 - Existing roads are not suitable for industrial traffic.
 - Drainage upgrade and treatment should be addressed.

FINANCIAL IMPLICATIONS

16. Costs associated with the preparation and advertising of the Draft Design Guidelines were provided for in the Development Services Budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. The Forrestfield/ High Wycombe Industrial Area was identified in the *Kewdale-Hazelmere Integrated Masterplan* as one of the key precincts suitable for significant freight related industries.
18. The Forrestfield/High Wycombe Industrial Area development is identified as one of the key strategic issues in the Shire's draft *Local Planning Strategy* that is currently with the WA Planning Commission for endorsement.
19. The Forrestfield/High Wycombe Industrial Area has been included as a priority key short term (developed in 0-4 years) non-heavy industrial site in the recently released Economic and Employment Lands Strategy: non-heavy industrial.

Sustainability Implications

Social Implications

20. Adoption of Draft Design Guidelines will allow the Shire the means to ensure that the working environment, external as well as on individual sites is pleasant, attractive and safe, thus creating spaces for quality social interaction.

Economic Implications

21. The Draft Design Guidelines aim is to provide attractive streetscapes and high quality development thus ensuring business investment is protected in the area.
22. Successful industrial development in the Forrestfield/High Wycombe area will provide employment opportunities for the local population.

Environmental Implications

23. The Draft Design Guidelines include principles, guidelines and mandatory requirements relating to environmental management of the area.

OFFICER COMMENT

24. The Draft Design Guidelines need to be viewed as one of a number of planning documents that have been prepared to guide the development of the Forrestfield/High Wycombe Industrial Area. The focus of the Draft Design Guidelines is to ensure a quality built form outcome complimented with landscaping of a high standard to ensure the industrial area is a sought after location. Accordingly the Draft Design Guidelines will not capture some of

drainage, transport and environmental design elements raised in some of the submissions. These elements will however either been addressed through the Structure Plan process for Stage 1 or will be in the structure plan for Stages 2 and 3 when prepared.

25. Reference to the Kewdale Hazelmere Integrated Master Plan is acknowledged; however the strategic planning document was adopted in 2006 and has now been superseded by the WA Planning Commission's new key strategic industrial planning document *Economic and Employment Lands Strategy: non-heavy industrial 2012*. The strategy document identifies all three stages of the Forrestfield/High Wycombe industrial Area as a key priority strategic industrial site.
26. In respect to comments raised regarding landscaping, it is recommended that the proposed 8m landscaping requirement to all roads with the exception of Sultana Road West be amended to 6m. Council has previously adopted this requirement in endorsing the Structure Plan for Stage 1. The proposed 6m is considered sufficient to ensure a high quality, attractive and sustainable landscape area. It is also recommended that the 15m landscape treatment to Sultana Road West be reduced to 8m as this is considered sufficient to ensure an appropriate landscape buffer to landowners to the north of the road.
27. In respect to Part 9 of the Draft Design Guidelines, all existing and proposed reserves in the industrial area will be afforded the appropriate level of protection with new fencing treatment for the section of reserve fronting proposed or existing roads. For the section of reserves fronting privately owned land, security fencing will be required as part of the development application process. On this basis it is recommended that Part 9 be deleted from the Draft Design Guidelines.
28. The proposed Draft Design Guidelines contain recommendations that will necessitate amendments to Local Planning Scheme No. 3. A Scheme amendment to this effect will be submitted to the September round of Council meetings for approval.
29. It is therefore recommended that the Council endorsed the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area.

Mr Dominic Furfaro addressed the meeting, he had three questions.

Question 1. Is the eight metre setback for landscaping requirement from the lot boundary or road verge?

Manager Development Services confirmed this is from the lot boundary.

Question 2. Why is there such a large area requiring landscaping?

Manager Development Services noted that this was to give adequate transition for landowners to the North of Sultana Road West and also to ensure good landscaping outcomes to compliment the built design guidelines for the development.

Question 3. Why is this all zoned light industrial, I believe a mix of light and general would be more advantageous?

The CEO noted that during the two years the development has been progressing the WAPC have emphasised to officers their preference for light industrial in this area. Director Development and Infrastructure indicated that light and general industrial often do not mix well and the inclusion of general industrial could spoil the development.

The Shire President asked for clarification regarding Part b. of the Recommendation.

The Manager Development Services noted that this referred to land adjacent to the existing Bush Forever Site within the industrial area which required additional landscaping. What is proposed now is that the Bush Forever will be afforded a greater level of protection in terms of new and improved boundary fencing to proposed and existing public roads and also through the Development Application process for appropriate security fencing. On this basis there will be adequate protection in terms conservation for the Bush Forever Site.

RESOLVED (OCM 105/2012)

Voting Requirements: Simple Majority

That Council:

1. Endorses the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area subject to the following modifications:
 - a. All references to landscaping requirements be modified as follows:
 - six metre landscaping requirement to all roads with the exception of Sultana Road West which shall be eight metres.
 - b. Part 9 – Development Adjacent to other Protected Areas be deleted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

6.2 Amendment to Local Planning Scheme No. 3 – Modifications to the Site Requirements Table

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Adopted Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan
Attachment 3	Modified Site Requirements Table

PURPOSE

1. To consider whether to initiate an Amendment to Local Planning Scheme No. 3 (“the Scheme”) to insert new provisions into Table 2 (Site Requirements) of the Scheme for the Industrial Development Zone.

BACKGROUND

2. In July 2012, Council adopted the Draft Forrestfield/High Wycombe Industrial Area Structure Plan – Stage 1 (“the Structure Plan”). Refer to (Attachment 1 and 2).
3. The Structure Plan for Stage 1 allows for orderly and proper planning of the area by establishing the overall design provisions for the area.
4. The Structure Plan was prepared in conjunction with the Draft Industrial Design Guidelines (“the Guidelines”) with the aim to promote industrial development of a high quality. A separate report on the Guidelines has been prepared for Council’s consideration.
5. The objective of the Guidelines is to allow the Shire to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of business activities eager to locate within the area.

DETAILS

6. It is proposed that Table 2 (Site Requirements) of the Scheme be modified to include provisions for the Industrial Development zone. Refer to (Attachment 3).
7. Table 2 is proposed to be modified so as to be consistent with the principles of the Guidelines and the Structure Plan for Stage 1.

STATUTORY AND LEGAL IMPLICATIONS

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. Table 2 (Site Requirements) of the Scheme stipulates the minimum setbacks for structures and buildings from lot boundaries, the maximum plot ratio, the maximum site coverage and minimum landscaping strip width in various zones, which cannot be varied unless otherwise approved by the Shire.
10. Clause 2.3.1 (Relationship of Local Planning Policies to the Scheme) of the Scheme stipulates that if a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

POLICY IMPLICATIONS

Forrestfield/High Wycombe Industrial Area Design Guidelines

11. The Guidelines aim to complement the strategic importance of the Forrestfield/High Wycombe Industrial Area's location, and to encourage design features, construction quality and landscaping of a high standard which will ensure the locality is a sought-after location for business relocation, and a prestigious industrial address.
12. To this end, the Guidelines propose the following development standards which vary from those applied to the light and general industrial zone under the Scheme:

Minimum Front Setback – 20m
Minimum Side Setback – 10m
Minimum landscape strip – 6m (except lots fronting Sultana Road West then a 8m landscape strip shall apply).
13. The proposed front and side boundary setbacks will encourage development that is well designed with functional and efficient buildings and site layouts. The landscaping requirements will promote the development of quality attractive landscaping and streetscape and afford residents on the northern side of Sultana Road West and appropriate buffer to their properties.

PUBLIC CONSULTATION/COMMUNICATION

14. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
15. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District, and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.

FINANCIAL IMPLICATIONS

16. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

17. The proposed Forrestfield/High Wycombe Industrial Area is consistent with the Economic and Employment Lands Strategy – Non Heavy Industry (2012) which identifies the Forrestfield/High Wycombe Industrial Area as a priority Industrial site.
18. It is a recommendation of the Draft Local Planning Strategy that industrial development in the Forrestfield/High Wycombe Industrial area be environmentally designed to manage the potential impact on the amenity of adjacent areas.

Sustainability Implications

Social Implications

19. A high standard of development and landscaped areas will result from the proposed Scheme provisions, which is consistent with the objectives of the Guidelines and recommendations of the Draft Local Planning Strategy.

Economic Implications

20. Nil.

Environmental Implications

21. Nil.

OFFICER COMMENT

22. The proposed provisions are consistent with those stipulated in the Draft Industrial Design Guidelines and the adopted Forrestfield/High Wycombe Industrial Area Structure Plan - Stage 1, and will assist with the Shire's development control responsibilities. It is therefore recommended that Council initiates the amendment.

Voting Requirements: Simple Majority

RESOLVED OCM 106/2012

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO.

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify Table 2 (Site Requirements) of Local Planning Scheme No. 3 to include provisions for the Industrial Development zone.

The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

6.3 Amendment No. 48 to Local Planning Scheme No. 3 - Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions

Previous Items	SCM 03/2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003/048
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Modified Zoning Table (as Advertised)
Attachment 3	Developer Contribution Items
Attachment 4	Proposed Development Contribution Area Provisions (as Advertised)
Attachment 5	Modified Zoning Table
Attachment 6	Proposed Development Contribution Area Provisions
Attachment 7	Submission Table
Attachment 8	Draft Stage 1 Structure Plan

PURPOSE

1. To consider submissions received and whether to adopt Amendment No. 48 to Local Planning Scheme No. 3 (“the Scheme”) to:
 - Insert provisions relating to developer contribution items for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area;
 - Insert a new Industrial Development zone and land use permissibility into Table 1 (Zoning Table) of the Scheme; and
 - Include additional land use definitions into Schedule 1 (Land Use Definitions) of the Scheme.

Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

BACKGROUND

2. In November 2011, the Minister for Planning approved Amendment No. 34 to the Scheme to rezone the land bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area (“Stage 1”).
3. Amendment No. 34 to the Scheme required Schedule 11 (Development Areas) of the Scheme to be modified to include the following provision so that Stage 1 became a Development Area (DA1), thus, allowing specific developer

contribution provisions to be included:

"Part 3 – Forrestfield/ High Wycombe Industrial Area DA1.

In respect of the Industrial Development zone generally bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, identified as Development Area 1, the structure plan for this area is to ensure that general and heavy industrial uses are not permitted."

4. In April 2012, Council resolved (Resolution SCM 03/2012) to initiate Amendment No. 48 to the Scheme.

DETAILS

5. It is proposed that Table 1 (Zoning Table) of the Scheme be modified to include the Industrial Development zone and the land uses Logistics Centre and Research and Technology Premises. Refer to the Modified Zoning Table (as advertised) (Attachment 2).

6. It is proposed that the following land use definitions be included in Schedule 1 (Land Use Definitions) of the Scheme:

"Logistics Centre -

means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

(a) the work of administration or accounting;

(b) the provision of amenities for employees, incidental to any of those logistics operations.

Research and Technology Premises -

Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."

7. It is proposed that Developer Contribution Items for Stage 1 be inserted under Part 3 of Schedule 11 (Development Areas) in the Scheme. Refer to the Proposed Developer Contribution Items (Attachment 3).
8. Prior to properties being redeveloped and/or amalgamated, landowners within DA1 will be required to make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road Reserves, dual use paths and costs to administer the cost sharing arrangements.
9. It is also proposed that provisions on the administration of development contribution areas be included under Clause 6.5 and Schedule 11 of the

Scheme. Refer to the proposed Development Contribution Area provisions (as advertised) (Attachment 4).

PROPOSED MODIFICATIONS TO AMENDMENT

10. Since being initiated by Council the following modifications to the amendment are proposed in addition to grammatical alterations received following legal advice on the amendment. Also refer to (Attachment 5) (Modified Zoning Table) and (Attachment 6) (Proposed Development Contribution Area Provisions):

Proposed Modification	Reason
The use Light Industry being changed from being an 'X' use (use not permitted), to a 'D' use (discretionary use) in the Industrial Development zone.	This modification is proposed so as to be consistent with the intent of the Draft Stage 1 Structure Plan, which is to allow for light industrial types of uses, as stipulated under Part 3 of Schedule 11 (Development Areas – Forrestfield/High Wycombe Industrial Area DA 1) of the Scheme.
Developer Contribution Item Table: d) Upgrading of the Berkshire Road and Dundas Road Intersection. l) The purchase or treatment of land for environmental purposes.	This modification was required following further traffic analysis undertaken by the Shire. Given the structure plan incorporates a bush forever site, it was considered appropriate to include the item.
<p><i>"6.5.4 Development contribution plan part of the Scheme</i></p> <p><i>The development contribution plan is incorporated in Schedule 12 11 as part of this scheme."</i></p> <p><i>Valuation</i></p> <p><i>6.5.12.2 The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13 12."</i></p>	<p>This modification is proposed based on the following legal advice obtained by the Shire:</p> <p><i>"If it is the case the Shire wishes to include both the Development Contribution Area and Development Contribution Plans in Schedule 11, clauses 6.5.4 and 6.5.12.2 will need to be amended. In clause 6.5.4 the reference to "Schedule 12" would need to be altered to "Schedule 11".</i></p> <p><i>"...it would be too unwieldy to include the working sheet model relating to valuation within Schedule 11 along the DCA and DCP provisions, so clause 6.5.12.2 would have to be altered to change "Schedule 13" to "Schedule 12"."</i></p>

STATUTORY AND LEGAL IMPLICATIONS

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then the amendment will be determined by the Minister for Planning.
12. Table 1 (Zoning Table) of the Scheme indicates, subject to the various provisions of the Scheme, the uses permitted in the Shire in the various zones.
13. Clause 4.3.2 of the Scheme stipulates that the symbols used in the cross reference in the Zoning Table have the following meanings:

"P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.

'X' means a use that is not permitted by the Scheme."
14. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
15. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.
16. Part 6 – Special Control Areas of the Scheme establishes Development Areas on the scheme maps as "DA" with a number and included in Schedule 11.

POLICY IMPLICATIONS

State Planning Policy No. 3.6 – Development Contributions for Infrastructure

17. State Planning Policy No. 3.6 – Development Contributions for Infrastructure ("the Policy") sets out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan ("DCP").
18. The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:

"There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process."

PUBLIC CONSULTATION/COMMUNICATION

19. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District and the proposal being referred to all landowners within Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area for comment.
20. The proposed Development Contribution Area Provisions under Clause 6.5 of the Scheme were also referred to McLeod's Solicitors for review to ensure the provisions are legally compliant.
21. During the formal advertising period three non-objections and one objection were received by the Shire. Refer to the Submission Table (Attachment 7).
22. The objection raised a concern that road access to Lots 5 and 6 Ashby Close and Lot 8 Berkshire Road is not shown on the Draft Structure Plan and questioned whether the costs for providing road access to these properties had been considered.

FINANCIAL IMPLICATIONS

23. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.
24. The Shire will administer costs associated with the Developer Contribution Plan and this will be included in the Developer Contribution costing to be met by the developers.
25. The financial risks associated with establishing and implementing DCAs needs to be carefully considered and appropriately managed to ensure there is no financial liability to Council.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Strategic Planning Implications

26. Nil.

Sustainability Implications

Social Implications

27. It is important that developer contributions are easily understandable by all stakeholders in terms of what they are. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.
28. A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of the community and businesses, both existing and into the future.

Economic Implications

29. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

Environmental Implications

30. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. These lots have been excluded from the proposed Industrial Development zone.

OFFICER COMMENT

31. The proposed modifications to the amendment proposed are consistent with legal advice obtained by the Shire, and with the intent of the Draft Stage 1 Structure Plan. Refer to the Draft Stage 1 Structure Plan (Attachment 8).
32. The modification to include Light Industry as a 'D' in the use class table is intended to allow greater flexibility in the range of land use activities that could be considered under the Industrial Development zone. Typically, this will include industries that may have a fabrication component to their operation, but importantly will not have an amenity impact in terms of noise or odour.
33. In respect to the item table identified in (Attachment 3), a modification to include the upgrading of the Berkshire Road/Dundas Road intersection has been included following further traffic analysis of the site. It should be noted that previous requests by Main Roads WA to include the Berkshire Road/ Roe Highway intersection have not been included. As stated in previous reports to Council any attempt by Main Roads to have costs associated with the upgrade of the intersection allocated to the Developer Contribution Costing would be to the detriment of the Scheme and make it financially unviable. The Shire has been working at a political level for a number of years to have the intersection fully signalised to address ongoing safety concerns. The State government has acknowledged this by allocating funds in the Budget to undertake the work without the need to seek funding from the Developer Contribution Scheme.
34. Concerns were raised during advertising on whether the costs for providing road access to Lots 5 and 6 Ashby Close and Lot 8 Berkshire Road had been considered. The Structure Plan for Stage 1 has been amended to reflect a requirement for a single shared industrial battle axe driveway to accommodate the subject lots. Further discussions will be held with the WA Planning Commission regarding the suitability of this arrangement and whether a formal road access is required. Development costs for either option will be included once a decision is made. In the event that the lots in question are amalgamated then there will be no requirement for road access.

35. Having regard to the above, it is recommended that Council adopts the amendment with the proposed modifications.

RESOLVED SCM 107/2012

Voting Requirements: Simple Majority

That Council:

1. Notes the submissions received in response to Amendment No. 48 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 with modifications, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
SHIRE OF KALAMUNDA
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 48

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:

- (a) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the Industrial Development zone, and the land uses Logistics Centre and Research and Technology Premises
- (b) Insert the following land use definitions into Schedule 1 (Land Use Definitions) of the Scheme:

“Logistics Centre –

means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:

- (a) *the work of administration or accounting;*
- (b) *the provision of amenities for employees, incidental to any of those logistics operations.*

Research and Technology Premises -

Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."

(c) Insert the Developer Contribution Items table for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area under Part 3 of Schedule 11 (Development Areas) of Local Planning Scheme No. 3.

(d) Insert the Development Contribution Area provisions under clause 6.5 of Local Planning Scheme No. 3.

3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

**6.4 CONFIDENTIAL REPORT Provided under separate cover
Development and Disposal Proposal – 88 (Lot 106) Hale Road,
Forrestfield**

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”*

Previous Items	OCM 165/2010, OCM 29/2012 and SCM 63/2012
Responsible Officer	Director Corporate & Community Services
Service Area	Economic Property and Procurement
File Reference	PG-DEV-041
Applicant	N/A
Owner	Shire of Kalamunda
Attachment 1	Proposed Development Plan <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>
Attachment 2	Westbury Investments Financials <u>Reason for Confidentiality:</u> <i>Local Government Act 1995 S5.23(2)(c) – “ a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting.”</i>

This item was discussed under Point 7 of this Agenda

Voting Requirements: Absolute Majority

RESOLVED SCM 109/2012

That Council:

1. Notes (Confidential Attachment 1 and 2).
2. Delegates to the Chief Executive Officer to dispose of the properties for the best possible price and no less than 90% of the valuation and in accordance with Section 3.58 of the *Local Government Act 1995*.
3. Pursuant to Section 5.42(1) and Section 5.43(b) of the *Local Government Act 1995* delegates authority to the Chief Executive Officer to accept Tenders for Construction within 10% of the costs identified in (Confidential Attachment 2).
4. That staff develop binding design guidelines for the site for adoption by Council prior to disposal of the land.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY /ABSOLUTE MAJORITY (10/0)**

7.0 MEETING CLOSED TO THE PUBLIC

7.1 **MOTION (SCM 108/2012)**

That the meeting go behind closed doors to consider CONFIDENTIAL REPORT (provided under separate cover) Development and Disposal Proposal – 88 (Lot 106) Hale Road, Forrestfield.

Moved: **Cr Allan Morton**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (10/0)**

The meeting closed to the public at 6.43pm and reopened at 6.49pm, the Chairman read the Resolution to the meeting.

7.2 That Council:

1. Notes (Confidential Attachment 1 and 2).
2. Delegates to the Chief Executive Officer to dispose of the properties for the best possible price and no less than 90% of the valuation and in accordance with Section 3.58 of the *Local Government Act 1995*.
3. Pursuant to Section 5.42(1) and Section 5.43(b) of the *Local Government Act 1995* delegates authority to the Chief Executive Officer to accept Tenders for Construction within 10% of the costs identified in (Confidential Attachment 2).
4. That staff develop binding design guidelines for the site for adoption by Council prior to disposal of the land.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY (10/0)**

7.3 **MOTION (SCM 110/2012)**

That the meeting reopen to the public.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (10/0)**

8.0 CLOSURE

8.1 There being no further business, the Chairman declared the meeting closed at 6.50pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Chairman

Dated this _____ day of _____ 2012